



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

1700 North Congress Ave., Suite 445
Austin, Texas 78701

August 17, 2016

Via First Class Mail

Mr. Eric D. Anderson
TDCJ #01601036
2665 Prison Road #1
Lovelady, Texas 75851

Re: Texas Forensic Science Commission ("Commission") File No. 16.19

Dear Mr. Anderson:

At its July 8, 2016 meeting, the Commission voted unanimously to dismiss your complaint because the forensic analysis at issue was not conducted in an accredited crime lab and is not subject to a negligence or misconduct review by the Commission. Moreover, physicians have their own governing body—the Texas Medical Board —authorized to review complaints and take disciplinary action related to professional misconduct in the medical profession.

As a courtesy, enclosed is a blank Texas Medical Board complaint form with the address for submission highlighted in yellow. The Commission has also forwarded your complaint to the Innocence Project of Texas whose contact information is as follows:

The Innocence Project of Texas
300 Burnett, Suite 160
Fort Worth, Texas 76102
Contact: Mike Ware

Sincerely,

A handwritten signature in blue ink that reads "Lynn Garcia".

Lynn Garcia
General Counsel

LRG/mka
Encl.

cc: Mike Ware

Texas Medical Board COMPLAINT FORM

Complaint Registered Against:

Name of Practitioner:

Address:

City, State

Business phone number:

Person Registering Complaint (*Must include full name and contact information*):

Name:

Address:

City, State, Zip code:

Home Phone:

Business Phone:

E-mail:

Patient/Person Harmed by the Practitioner:

Name:

Date of Birth (mm/dd/yyyy):

Details of Complaint:

Describe your complaint in detail and the events that led to your complaint. Include dates and location of treatment, medications prescribed. You may use additional paper and/or provide other documents to clarify the information given.

**Have you received a second opinion from another physician? __yes __no
If yes, please give full name and address.**

I have read the preceding, and it is true to the best of my information and belief. If my complaint would be more appropriately addressed by a different agency or society, I authorize TMB to forward my complaint to that agency or society. I understand that if I do not provide a name or a source this complaint will not be processed.

Signature

Date

**Print, complete and mail to:
Texas Medical Board
Investigations Department, MC-263
P.O. Box 2018
Austin, TX 78768-2018**

**For additional information, please visit
<http://www.tmb.state.tx.us> or call
(512) 305-7100**

THE COMPLAINT PROCESS

Who Can File A Complaint?

Anyone can file a complaint with the Texas Medical Board against a **Physician (M.D. or D.O.)** a **Physician's Assistant (P.A)**, an **Acupuncturist**, a **Surgical Technician**, or a **Radiological Technician**.

How Do I File A Complaint?

A complaint must be in writing. You may use this form to submit a complaint.

How Are Complaints Investigated?

First, a determination must be made that the Board has authority (jurisdiction) to act on the complaint.

The complaint is then reviewed to determine if a violation of the Occupations Code (Medical Practices Act) has possibly occurred.

If the complaint is determined to be jurisdictional and a possible violation of the Occupations Code (Medical Practice Act) has occurred, a formal investigation will be opened and assigned to a trained investigator.

The investigator may contact you for additional information or to request a written statement. The investigation of your complaint should be completed in six months.

All investigative materials become a permanent part of the Board's investigative files and, as such, these materials are confidential and privileged by statute, and may not be released except to other governmental agencies under statutory guidelines.

Will I Be Told The Status Of My Complaint?

You will receive a letter regarding the status of your complaint in about 45 days following the initial review process.

If a formal investigation is opened, you will receive a status letter every 90 days as long as the investigation is active.

Once the investigation of your complaint is finished, and the board has taken a final action, you will be notified.

What Are The Most Common Complaints Within The Board's Jurisdiction?

1. Practice of Medicine Inconsistent with public health and welfare; unprofessional conduct which may endanger the public;
2. Non-therapeutic prescribing/administering of a drug or treatment; and
3. Inability to practice medicine by reason of mental or physical impairment (alcohol or chemical abuse, mental or physical condition).

What Are Some Of The Complaints That Do Not Fall Within The Board's Jurisdiction?

1. Rudeness. These issues can be directed to your local Medical or Osteopathic Society.
2. Complaints against practitioners *other than* a **Physician**, a **Physician Assistant** an **Acupuncturist**, a **Surgical Assistant**, or a **Radiological Technician**. Such complaints should be directed to the appropriate state licensing agency.
3. Complaints concerning the practices of insurance companies. Insurance billing complaints should be referred to the Texas Department of Insurance.
4. Complaints concerning Workers' Compensation benefits. Workers' Compensation complaints should be referred to the Texas Department of Insurance, Division of Workers' Compensation.

What Action Can The Board Take?

Disciplinary action can range from an administrative penalty to the revocation of the practitioner's license. If there is insufficient evidence that a violation of the Occupations Code occurred, the Board may dismiss the complaint and close the investigation.